IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Sualal
Vs.
Hari Lal and ors.

S.B. CIVIL WRIT PETITION NO.3526/2007.

Date of Order:- 11/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri M.K. Goyal for the petitioner.

****

Heard learned counsel for the petitioner.

Challenge has been made to the order dated 16/4/2007 whereby the learned Additional District Judge (Fast Track) No.1, Karauli allowed the application filed by the plaintiff-respondents under Order 6 Rule 17 CPC seeking amendment of the plaint.

Learned counsel for the petitioner argued that the amendment application was made at the stage of

final arguments inasmuch as, this amendment would change the very nature of the suit. It was therefore argued that the order impugned be set-aside.

Having heard learned counsel for the petitioner, I find that on the basis of the material on record as also looking into the nature of amendment sought for, the learned court below allowed the amendment merely because due to some typographical mistake description of the property in dispute was wrongly mentioned in the plaint. It was held by the learned court below that property would remain the same and amendment would not make any change in the nature of the suit.

I do not find that the order of the trial court suffers from any such illegality or infirmity which calls for any interference by this Court, because correct description of the property was indeed necessary for final and effective adjudication of the controversy between the parties.

With these observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

anil